

PLANNING COMMISSION MINUTES

April 17, 2007

7:00 P.M.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Ray Keller, Mark Green, City Council Representative Barbara Holt, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Special Invitees: City Manger Tom Hardy, City Council Members: Barbara Holt, Fred Moss, Scott Meyers, Richard Higginson, Thomas Tolman, City Attorney Russell Mahan.

Absent: City Mayor Joe Johnson, City Engineer Paul Rowland, Michael Allen, and Kirt Peterson.

Clark Jenkins welcomed all those present and had all Commission Members introduce themselves. Mr. Jenkins acknowledged the presence of the City Council, and stated that they had been invited specifically to hear Item #3, Brian Knowlton rezone petition.

Tom Smith made a motion to approve the minutes for April 3, 2007 as written. Barbara Holt seconded the motion and voting was unanimous.

1. Consider final commercial site plan approval for Timber Mill Cabinets located at 466 W. 1000 N., Brad Hutchings, applicant.

Brad Hutchings, applicant, was present. Aric Jensen explained that Mr. Hutchings is requesting final site plan approval for modifications to an existing commercial development located in the Heavy Commercial (C-H) zone. The site is approximately 1.1 acres in size and is wedged between 1000 North and the on-ramp to 1-15 Northbound. The third side backs onto a single family neighborhood. There are two existing buildings on the site; a 5400 square foot block of storage units, and a 6400 square foot furniture/upholstery repair building. The Planning Commission recommended preliminary site plan approval on January 2nd, and the Council granted preliminary site plan approval on January 9th.

Mr. Jensen explained that part of the proposed site plan includes a property line adjustment with Lot 2 of the Bay View Park Plat B subdivision, which will need to be approved by the Administrative Committee. Currently, the boundary between the two properties is extremely irregular and deviates substantially from the original subdivision boundary. This is a result of a compromise between the owner of Lot 2 and the City. Mr. Hutchings would like to remove the existing structure, rebuild a new structure in approximately the same location, and square-off the property lines.

As mentioned in a previous meeting, the applicant is requesting that the stub end of 1000 North be deeded to him so that he will have proper frontage and enough places for parking. This

portion of the road has only been used for access to this property and the 5th Amendment since the I-15 improvements were installed in the early '60's. Because of the need to maintain utility right of way across the property, a public utility easement will need to be granted across the entire parcel. Also, this parcel provides the only access to the very limited parking at the 5th Amendment. Mr. Hutchings has reached an agreement with the owner of the 5th Amendment to share this access. The actual vacation/abandonment process will take place as a separate action at City Council.

The site is in a low area and will drain to a new detention basin at the north end of property. From there it flows into the existing drainage ditch on the east side of I-15. No storm water impact fee will be required because of the detention basin. The plan currently shows the proposed detention basin to be lined with mulch, however staff recommends that it be finished with grass or large "river rock" (6" or larger) to prevent the stormdrain from plugging. The City Engineer has reviewed the drainage plans and calculations and made only minor corrections. A new sewer lateral and clean out has been run to the future building. Electricity, gas and phone are already available to site. Additional building details are needed before a final review of those utilities.

The location of the fire hydrant and required water lines have been moved to the entrance of the development as requested by the Fire Marshall, and a 6" water line has been extended to the future building for sprinklers and/or an additional future hydrant. An easement description for the water lines was provided and needs to be recorded.

The final site plan as proposed shows 18% landscaping, which is more than the minimum required in this zone. The landscaping plan shows trees in the front yard area, but doesn't show the required screening trees along the northeast area adjacent to the residential backyards. The redlined landscaping plan shows the placement of the screening trees. The utility plan shows the location of the extended irrigation line. A 2" sleeve/conduit will need to be provided where the irrigation line runs through the public utility easement so that the line can be fixed without disturbing the adjacent property. Otherwise, the applicant will have to run the irrigation line under the building or parking lot.

The showroom area, which is 1550 sq. ft, requires 1 stall per 500 sq. ft, for a total of 3 spaces. The manufacturing and storage areas, which are 16,112 sq. ft, require 1 stall per 1000 sq. ft, for a total of 16 spaces. The total parking requirement is 19 spaces, and 19 spaces are shown on the proposed plan. Only 13 spaces are needed until the construction of future Building #3. Seven of the proposed spaces are located within the unused R.O.W. These spaces cannot be included in the onsite parking count until the City officially abandons the R.O.W., however, they can be used unofficially for parking since onstreet parking is permitted and this ground is technically still a street. There was discussion amongst the Commission members regarding the future use of the storage buildings and the impact on parking. If the applicant ever chooses to finish all or some of the storage units and convert them to an office or retail use, he will have to apply for amended site plan approval and provide additional parking at that time.

Water fees will depend on the size and number of culinary hook-ups and the location of the fire hydrant. The storm water impact fee will be waived when detention is provided. Building fees will be assessed with the building permits.

Staff recommends final site plan approval for the Brad Hutchings/Timbermill Cabinets site with the following conditions:

1. Lot line adjustment approved by Administrative Committee
2. Applicant submit a revised site plan per the redlines
3. The new public utility easements are recorded
4. The Council abandons and deeds over the unused portion of the 1000 North right-of-way
5. All required fees are paid

Brad Hutchings explained that he has acquired a utility right-of-way agreement from the adjoining property owner for access for water and electricity. Mr. Hutchings has been working with the Fire Department for the location of a fire hydrant.

There was a brief discussion with regards to adequate parking and truck access for this project.

Mark Green made a motion to recommend to the City Council final commercial site plan approval for 466 W. 1000 N. subject to the conditions outlined by Staff. Tom Smith seconded the motion and voting was unanimous in favor.

2. PUBLIC HEARING-Consider a zone amendment from C-G to MXD-R located at 2084 S. Orchard Dr., Matt Carter, applicant.

Randy Lewis, representing Matt Carter, was present. Aric Jensen explained that Mr. Carter is requesting a zone map amendment from C-G (General Commercial) to MXD-R (Mixed-Use Residential) at 2084 South Orchard Drive. This site is located on two parcels which total approximately 2 acres in size. The front parcel contains an old service station building which was decommissioned in the 1990's. Records show that the fuel tanks were removed in accordance with the EPA underground tank removal program in effect at the time. The rear of the property slopes significantly downhill to the west and is currently vacant.

The applicant's proposal is to construct an office building along the Orchard Drive frontage, and to put townhouses in the rear of the property between the single family homes and the office use, similar to adjoining properties in the area. Since there is an existing right-of-way to the rear property, this objective could be accomplished in two ways: 1. The applicant could keep the front parcel zoned C-G, and petition for the rear parcel to be zoned multi-family, or 2. Just apply for the MXD-R zone. Even though this isn't truly a mixed-use project such as Village on Main, the Clipper Building site, and others, the MXD-R zone will give the developer more flexibility and will give the City better control over the project design than simply rezoning the rear parcel to

multi-family. For these reasons staff recommended that the applicant apply for the mixed-use zone for the whole project rather than just request a rezone for the rear parcel.

One of the requirements of the MXD-R subzone is that the mix of uses be at least 50% and not greater than 75% residential use, and that the other 50% to 25% be commercial, office, or other non-residential use. Another requirement is that the developer include a list of setbacks, height limitations, and other standards that would apply to the project and that would differ from the defaults in the zone. Drawings and printed information were presented. The only item that staff has concerns with was the proposal to reduce the parking requirements in the multi-family area. Since this is not a true mixed-use proposal, staff recommends that the multi-family parking requirements not be reduced below the current ordinance requirements.

The office building would essentially be 2 stories high with a basement. Each level would be approximately 5,000 sq. ft, with the main and upper level be improved with finished office space, and the basement finished as storage/conference room space, for a total of 15,000 sq. ft. Parking for the office building would be in front adjacent to Orchard Dr.

The residential portion of the project as proposed would consist of 21 townhomes. The Bountiful City Ordinance allows a maximum of 20 units on a single access road. Depending on the final configuration of the development, this might be an issue. An illustration showing the front exterior of the proposed units was presented.

Randy Lewis explained that there would be a 4800 sq. ft office building fronting on Orchard Drive that would be used for general office use. The 21 townhomes will consist of 700 sq. ft. on three levels with a total of 2100 sq. ft. per unit. These units will be high quality units with granite counter tops, tile flooring, etc. They will be very upscale units and will be sold, not used as rentals.

Mr. Lewis continued to explain that 28% of the site consists of buildings, 34% landscaping, and 38% parking. There is a large hammerhead turnaround for fire safety. There will also be a vinyl fence around the project and a retaining wall separating the commercial from the residential with a distance of 30 feet between the commercial and residential. The residential drainage will flow to the south end of the property and the commercial will flow into Orchard Drive. This project is being proposed to have two phases, first phase will be to build the townhomes with the second phase being the commercial building.

Clark Jenkins explained to the public the procedure for conducting a public hearing.

The public hearing was opened for comments and concerns.

Gary Lindeburg, residing at 2057 S. Penman Lane, had concerns with the rear setbacks. The existing apartments on Orchard Drive have a backyard setback of 30 feet and Mr. Lindeburg requested to change the proposal to have the 30-foot setback rather than a 20-foot setback. Mr.

Lindeburg questioned the ordinance regarding the setbacks and the landscaping. He also requested a storm drain plan along the back property line.

Jeffery Colbert, residing at 2043 S. Penman Lane, also had concerns with the drainage and losing his view of the mountains.

Raymond Cope, residing at 2075 S. Penman Lane, requested that the existing power lines on the back property be replaced with underground power lines. Mr. Cope also had concerns with the possibility of cars crashing into his backyard so he requested to have a retaining wall to help prevent this from happening.

Joanne Beck, property manager of Hidden Garden Apartments (2110-2122 S. Orchard Drive), had concerns with the southwest corner of the project being too close to the apartments. Ms. Beck also had concerns with the drainage and parking.

Karie Troop, residing at 2046 S. Penman Lane, has concerns that the townhomes won't sell and be left for rentals which will decrease the value of the surrounding homes. The fear with rentals comes with the existing apartments having garbage, drugs, and crime. Mrs. Troop does not agree with the proposed density.

Carman Simon, residing at 2003 Penman Lane, wanted a guarantee that the townhomes will be owner occupied residents and not used for apartments.

Clark Jenkins explained that there will be written covenants which regulate what the owners can and cannot do with the units. This project will probably clean up the garbage, drugs, crime, and improve the area.

Leon Hoffman, residing at 2032 Penman Lane, presented pictures showing the visual impact on his home. This project will take away his view.

The public hearing was closed without further comments.

There was a lengthy discussion between the Commission Members with concerns for proper drainage, too many units, moving the west units forward as far as the Fire Department will allow, the possibility of selling/deeding a small section of property on the southwest corner to the adjoining apartments, and whether there is a need for more office space in Bountiful.

Russel Mahan explained that the MXD-R zone requires that the site plan be tied to that rezone. Any problems need to be addressed and incorporated into the site plan before approval.

Mark Green made a motion to continue this item until the next Planning Commission meeting so that the applicant can revise the site plans with the following concerns:

1. Move the west units forward as far as the Fire Department will allow which will minimize the pavement and increase the landscaping.
2. Retaining wall and storm drain containment.
3. Landscaping along the south entry if possible.

Ray Keller seconded the motion and voting was unanimous.

3. Consider a zone amendment from C-G to MXD-R located at 2135 S. Orchard Drive, Brian Knowlton, applicant.

Clark Jenkins explained that there was a public hearing held with the Planning Commission on April 3rd and they voted to continue the discussion in order for the applicant to provide additional information and drawings. At that time it was suggested that the City Council be invited to attend and become familiar with the issue.

Russell Mahan explained that a motion cannot be made on this item because the required Planning Commission members are not present. The purpose for continuing this item at the last meeting was for Mr. Knowlton to provide additional information and drawings. Mr. Mahan suggested to hold the discussion and then continue the item to a special meeting on April 24, 2007.

Aric Jensen explained that Mr. Knowlton is requesting a zone map amendment from C-G (General Commercial) to MXD-R (Mixed-Use Residential) at 2135 South Orchard Drive. He said that the applicant is required to provide a development plan as part of the approval process, which he had. Mr. Knowlton's most recent proposal, which was reviewed by the Planning Commission on April 3rd, is comprised of two 3-storey retail/office buildings with underground parking fronting onto Orchard Dr. To the east of these structures would be a series of approximately 50 townhomes with individual garage parking located along a winding lane that would connect to 2200 South at two locations. The townhomes would gradually increase in elevation the further east they are located on the site, which is accomplished essentially by undoing the cuts and fills made over the years and returning the property to a more natural grade. This would include covering up the majority of the existing 20 foot retaining wall located on the east side, and bringing the grade on the west even with Orchard Drive.

Brian Knowlton explained that at the previous meeting it was suggested that the City Council be invited to observe and become familiar with the project. Mr. Knowlton thanked all those present for allowing the discussion. He continued to explain that the main purpose for this project is to create housing in the rear and commercial retail in the front of the property with plenty of open space as a separation between the two uses. Mr. Knowlton presented the information requested by the Planning Commission which was to refine the site plan, present the floor plans for the condo and townhomes, and to show the roof lines that will impact Arvilla Child's home.

There was a lengthy discussion between Mr. Knowlton, the Planning Commission, and the City

Council. There were some concerns with having more residential use and leaving out the commercial use with this project. All those present expressed their concerns. The general consensus was that this is a good project for this area of Bountiful and would greatly improve the neighborhood.

The Commission made the decision to continue this item until April 24, 2007 at 6:00 p.m. to allow the required Planning Commission members to be present to make a motion for an approval or disapproval on the re-zone.

Russall Mahan explained that State Law requires a public hearing with the Planning Commission for any re-zone. Bountiful requires that the public hearing also be heard by the City Council. Mr. Mahan asked if the Planning Commission and the City Council wanted to continue having two separate public hearings and or if they want to have a joint meeting on re-zones.

There was a discussion between Staff, Planning Commission and the City Council. Both Commissions would like to have more time to consider the matter.

4. Consider proposed text amendments to Title 14, the Bountiful City Land Ordinance, Professional Office Zone, (Chapter 8), which has a working title of “500 South Professional Office subzone”.

Mark Green made a motion to continue this item until May 1, 2007 and adjourn this meeting. Tom Smith seconded the motion and voting was unanimous.

Meeting adjourned at 9:45 P.M.

